

**Alexandria Township
Land Use Board
Meeting Minutes August 15, 2019**

Chair Phil Rochelle called the regular scheduled meeting of the Alexandria Township Land Use Board to Order at 7:31pm. The meeting was duly noticed.

MEMBERS PRESENT: Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Mayor Garay, Giannone, Pauch, Daniello, Kimsey and Hahola

MEMBERS ABSENT: Committeeman Pfefferle

OTHERS PRESENT: David Banisch – Board Planner, Kara Kaczynski – Board Attorney, Tom Decker - Board Engineer (7:32), Joan Milne - Applicant, Nicole Badalamenti – Applicant, Elizabeth McManus – Applicant’s Planner. Mary Howley, Dave Howley, Jennifer Geoffroy, Glenn Geoffroy, Nancy Hudock, Michael Ragomo, Gretchen Savacool, Maryann Brereton, Christina Kope.

Approval of the July 18, 2019 Regular Meeting Minutes

A motion to approve the minutes of the July 18, 2019 Regular Meeting with corrections to spelling of a name was made by **Papazian** and seconded by **Freedman**. **Vote: Ayes: Chair Rochelle, Papazian, Fritsche, Tucker, Freedman, Giannone, Pauch, and Kimsey. Abstain: Mayor Garay, Daniello, Canavan, and Hahola. No Nays. Motion Carried.**

New and Pending Matters

Application 2019-01 – Use Variance
Milne, Blk 21 Lot 3
630 County Road 513

At 7:34 Chair Rochelle and Mayor Garay recused themselves. **Papazian** took over the board as Vice Chair at this time. At this time, **Attorney Kaczynski** let the record reflect that the next application is for Milne Blk 21 Lot 3 and that the Chairman has recused himself as well as the Mayor. **Kaczynski** advised that the application is going to be amended, right now it is requested for an interpretation as well as a Use Variance, however the notice also included a waiver of site plan, and site plan approval in the alternative, along with whatever waivers might be necessary. The application is amended to include all of the previous. **Kaczynski** did not know if the applicant was going to proceed with the interpretation, we can ask and then go from there. **Papazian** asked if the applicant would like an interpretation. Elizabeth McManus, applicant planner, advised that they have decided to proceed without the interpretation and to go directly to the Use Variance application. McManus clarified that the applicant is Joan Milne and the property in question is called Sterlingbrook Farms. **Papazian** asked if the applicant needed to be represented by an attorney, Kaczynski clarified that the applicant is an individual and can represent herself.

Kaczynski swore in Joan Milne, Elizabeth McManus and Nicole Badalamenti. **Papazian** asked if the applicant is looking for an interpretation, Elizabeth McManus advised that they have decided to simplify the application and focus on the Use Variance. **Kaczynski** advised that we have jurisdiction to proceed

and that the notices are in order. McManus advised that she would like the applicant to provide testimony and McManus would provide planning testimony. Joan Milne, testified that the property is Sterlingbrook Farm and is at 630 County Road 513 in Alexandria Township. Her family has owned the farm for 40 years and has raised her family there. It's been essentially a horse farm. Her husband was a veterinarian, which was there major source of income. He has recently retired and as a result it has not been so easy and they are looking for something supplements the farm. They want to keep the farm and want to keep the family on the farm. This is the push behind the application. Her daughter, Nicole Badalamenti has always had an interest of doing something out of the barn. They thought that holding events, wedding in particular would be something beneficial to them and not harmful to the community. Four years ago, since they started to hold events in the barn. Nicole Badalamenti testified that it was really a reason to fix up the barn. Now that her dad is pretty much retired and in order to keep the farm in the family there has to be some other source of income to keep it. The property was stable however things were starting to fall apart, in particular the barn that they are using. They fixed up the barn and her sister was getting married and it just seemed to work. That's when they started doing weddings out of the barn. Originally, they were doing bigger weddings but that was too much. They decided to make them smaller and only in the barn keeping it to 100 and under people. It's not the main source of income, but it was a way to keep the barn up. She feels like the farm looks better than ever because they have a reason to fix it up now. With the additional income they could put the money back into the farm and keep it in the family. When they initially did the weddings, they realized it was too loud so they moved them inside the barn. They require valet parking, don't permit bands, and keep the guest list to 100 and under with a cut off time of 10:00pm in hopes of trying to make everyone happy. They have minimized the noise. They do not want to do a ton of weddings. This year would have been their 4th year and the last 3 years they did 17 weddings a year. Downsizing helped with the noise. They would like to continue to keep the farm looking nice with the extra income.

Kaczynski asked about the number of guests with staff. **Papazian** asked if it were a total of 120 people with staff. Nicole Badalamenti testified that it is 100 guests and under, 5 or 6 staff members. **Decker** asked about the number of valets. Nicole testified there are 2 valets for each event so approximately 10 staff all together. **Kaczynski** asked if the only option for guests is valet or if people can park their own cars. Nicole Badalamenti testified that if it is a fundraiser or small event, she may not require valet parking, however, if it is 100 guests then she always requires valets. She testified they park in the old tennis court. Elizabeth McManus pointed to exhibit

Kaczynski marked the original application, cover letter dated April 30, 2019, application form, checklist, zoning denial, executed escrow agreement, copies of aerial lot map, prior minor subdivision plan, and tax certification as exhibit A-1. **Kaczynski** labeled exhibit A-2 Photo 1 & 2017 Aerial Photo colorized 5 pages of photos 1-13, A-3 Variance Plan, and A-4 cover letter from KMA Associates dated August 2, 2019 Summary of Operations dated August 2, 2019. McManus applicants' planner handed out photos to interested public members who have come out.

Badalamenti testified that as far as the parking goes it works well. When you come down the driveway there is a loop around where people can be dropped off. Everyone is contained on the tennis court. When they had bigger weddings, they were not able to keep it contained to the tennis courts. There are two parking areas however; she was speaking to the parking area which has 26 parking stalls for the valet parking. It's easy to loop around and come out. It is set up well for getting in and out. Badalamenti testified that there is a dumpster onsite to bring the garbage out after the weddings/events which is picked up every week. The bathrooms are brought in on trailers and are serviced every week. Sometimes they are brought back and forth but usually they are just serviced. A

prep tent outside on a cemented area behind the barn in case the caterers need to organize their food and prep. **Banisch** acknowledged that the Variance Plan does a good job showing the operations on the site. Badalamenti testified that the weddings end at 10:00pm. **Kaczynski** asked her to clarify what takes place inside the event space and what takes place outside the event space. Badalamenti testified that they still have cocktail hour outside the event space on the far side of the barn which faces away from the barn, usually there are acoustics and is not loud. Cocktail hour starts around 4:00pm or 5:00pm. Most people get married on site and have their reception on site. People that get married at a church will have a later cocktail hour but a lot of them are married on the property. The music for dancing and dinner time is all in the barn. It is required to be in the barn. They don't allow bands anymore, only a DJ. They have decided to get their own sound system as well to regulate the sound. They sent email and letters to neighbors to let them know they would be doing a sound test. On Tuesday at 7:00pm they did a sound test. The neighbors called to help them decide where the sound should be set. Shutting the windows on the side facing the building made a big difference. When the decibels were 80-85, the participating neighbors seemed okay on their decks. **Banisch** asked that she clarify which windows she is speaking about. Badalamenti clarified that it was the windows in the barn facing the development. **Banisch** clarified that these windows are on the first sheet of A-2 would be the two windows right underneath the words Event Space. Badalamenti advised that those are the windows. Once those windows were closed and the music was at 80-85 decibels the music was not disturbing them. When the neighbors who participated were inside their homes, they were not able to hear the music at all. **Kaczynski** asked who made that measurement. Badalamenti advised they have a decibel reader and did this personally. She testified that at the property line the decibels were at 50. **Banisch** asked which property and she testified the property was lot 3.03 which intersects the stream and is closest to lot 3.05. She showed the Board from Exhibit A-3 where the decibels were measured. It was noted by that the applicant owns lot 3.18, the piece of land in between the development and the barn, and Nicole Badalamenti owns and lives at 3.04.

Badalamenti testified that the Fire Marshall was out a few times and showed him the exits, smoke detectors and exit signs. **Kaczynski** asked about lighting, Badalamenti testified that there are spot lights on the west side of the barn, by the tennis courts facing where they park the cars, two portable stand up lights, string lighting in the back, where the cocktail hour is. There is lighting off the trees that are coming down from the bank by the barn. These lights were all preexisting except for the portable lights, the lights on the walnut trees coming down from the bank, and the string lights. **Kaczynski** asked if she were proposing any more lights other than what exists. **Decker** asked how tall the lights are. Badalamenti testified that they are like work lights that can be faced in different directions. They are not large lights that are brought on a trailer.

Badalamenti testified that they used to do 17 weddings a year however after talking with some of the neighbors they decided to limit the events to 15, which includes a combination of weddings and fundraisers. **Kaczynski** advised that in the Summary of Operations, it references that the applicant will limit the events to one per weekend. Badalamenti agreed that she would not do more than one event per weekend regardless if it were a wedding or a fundraiser. **Papazian** asked what type of negative feedback she has received. She testified that neighbors are concerned that the events are too loud, they are worried about lower property values, and there were some concerns that the property was going commercial. She advised they have no intention of going commercial and want to remain a farm. **Papazian** asked when they switched to having the events indoor. She testified last year but had one outdoor wedding which was a loud event. They subsequently received complaints.

Kaczynski verified if everything is catered. Badalamenti testified that yes, it is catered. The caterers provide bartenders who are insured. The couple booking the event purchases the liquor. Caterers serve the liquor. **Canavan** asked about insurance. She testified that she has insurance, her parents have insurance and she requires that the bride and groom also purchase their own one-day event insurance.

Banisch advised that the use runs with the land. He advised that the applicant could volunteer to abandon the variance if property goes to someone unrelated outside of the family. Joan Milne thought this might be an option if it would ease people's minds. **Papazian** advised if the special events ordinance would be in place then if the applicant were to abandon this variance, the new owner would need to file an application or work within the guidelines of the special events ordinance if this were to take place.

Giannone as the fire official advised that the applicant is at their limit with the fire code. He has inspected the barn before events on a series of occasions, if they were to have larger events, the barn would have to be renovated to meet the building codes. The size of the barn is self-limiting from a fire code perspective. A new owner would incur significant costs to have a larger venue. **Papazian** advised that if anyone were to try to do a larger venue than they would be subject to a full-blown site plan.

Papazian said to ease the public concern it would take a lot to turn this into a larger operation.

Kaczynski advised that we can not impose the applicant to abandon the variance as a condition. It would be voluntary. **Canavan** reiterated that the conditions listed in the summary of operations regarding the number of events, using only a DJ, ending at 10:00pm, etc. He asked if the applicant be willing to make all of this as part of the conditions that would go into the variance. The only issue Badalamenti would want to do is to have live music (acoustics) during the cocktail hour. **Kaczynski** advised that the Resolution of Approval would be bound by all the testimony that was provided by the applicant to the Board and the approval would be based solely on that. **Canavan** advised this would not just be the current situation all these conditions would be the forever conditions going with the variance. **Banisch** the only way to change these would be to go back before the Board on Public Notice for a consideration of relief or a change to one of the conditions. **Fritzsche** felt that it was not a good idea for the applicant to volunteer to abandon the variance. He feels that the variance has value and they should be able to reap the benefits of this endeavor of building a business.

Kaczynski advised the board that they need testimony for the Use Variance from the applicant's planner. Elizabeth McManus, planner for the applicant provided testimony as to her qualifications. The Board agreed to qualify her as an expert. She testified that the applicant is here for a D-1 Use Variance. As part of the use variance she needs to advise the Board of the positive criteria. Positive Criteria is where the LUB/BOA has the power to find that the proposal promotes special reasons the proposed use is suited to the property in question and that the applicant might help support other purposes of the states Municipal Land Use Law. First as to whether or not this particular use is suited for the proposed property, she advised it is due to several reasons. First the property is oversized, the minimum lot size for the AR zone district is 10, and this lot is 30 acres which can be seen on exhibit A-3 (the variance plan and 2017 aerial photo). McManus advised that here you could get a sense of the amount of land and space that is available to provide for the uses and various activities and to be able to do so in a way that creates distance and separation from some of the surrounding properties. She advised that the subject site Lot 3, is closes to lot 3.04 which is occupied by the person that runs the wedding events. Lot 3.18 is also owned by the applicant Joan Milne. She advised that the sound measured is more than 100ft from the other neighboring property owners who are not the closest properties. McManus advised they have a large space that provides separation from some of the surrounding properties, which really makes this site particularly suite to host events. In addition, the site with the existing improvements really lends itself to this type of facility. This has historically been a working farm, and like many existing farms the applicant is looking for a way to supplement their income. The applicant has made recent

improvements to help do this inspired by the weddings. Unique factors why the site supports this proposed use are the existing tennis courts which are used for valet parking and are a paved area which can the vehicles for a 100-person event. Also, have other pavement on the property for other ancillary functions discussed such as providing for food prep, restrooms and providing a small space for some of the cocktail hour. There is also additional space on the property close to Everitts Town Road that holds another parking stall which is available in the event it is needed. Another site improvement is the driveway coming in and out, the applicant has a loop around area going by the barn which is labeled valet are and event space seen on Photo 1, Exhibit A-2 which helps to facilitate the valet parking. This is one of the main factors the operations of the wedding event work well. McManus stated it helps regulate the cars coming in and out of the property during the event start as well as the end. For these reasons the improvements suite the property for special events unlike typical properties throughout the township and unlike a lot of farms that don't have the benefit of having an existing paved area that is unused. The existing improvements lend itself to the use and the applicant is not making any additional improvements like constructing a new parking area or adding any additional lighting. It is utilizing the property as it currently exists.

McKenzie advised that there are also some MLUL law purposes needed for a Use Variance, (a) to encourage municipal action to guide the appropriate use of development of all lands in the state in a manner which will promote the public health safety, morals and general welfare and by providing a use that is particularly suited to the location. In addition, McKenzie advised the applicant also supports purposes (g) and (j) of the MLUL. The first (g) to provide sufficient space and appropriate locations for a variety of uses which including agricultural, residential, commercial, industrial, and open space both public and private according to the respective environmental requirements in order to meet the needs of all New Jersey citizens. She testified that her proposal supports this section of the MLUL because the applicant has a lot that is in the appropriate location, as well as offering appropriate improvements to support the use. The site is not too distant from some of the regional highways such as routes 78, 12, & 202. The location supports the proposed use and being able to meet those environmental requirements. McKenzie highlights this because this is not a situation where they need to add additional paving or any other type of impervious material that would prevent water penetration. The applicant also is not removing any existing agricultural areas. The pastures and green spaces seen on the Variance Plan will remain the same under the proposed use. The last purpose needed under the MLUL is (j) to promote the conservation of historic sites and districts, open space, energy resources, and valuable natural resources in the state to prevent urban sprawl and degradation of the environment through improper use of land. She says that because this offers a viable use which supports the open space and the agricultural use of the property without diminishing the property. There are no additional improvements needed to the site, there also aren't any additional development needed such as any further subdivision of the property or new residential units. Instead this addition to the event space to the existing farm will support the agricultural use of the property. There's also an efficiency of the site by being able to use those existing improvements and not having to look elsewhere in the community to build this type of a facility. She believes the applicant is able to meet the "positive criteria" and they meet the three purposes of the MLUL, (a), (g), and (j).

McKenzie advised that as far as the negative criteria, there are three pieces of that to address. The first is whether there is any substantial detriment to the public good, the second is whether there is any substantial detriment to the zone plan, and the third is to reconcile the proposed uses omission from the ordinances and why isn't this use already permitted. Regarding the first reason, detriment to the public good she doesn't believe there is any detriment because of the long list the applicant has taken to mitigate the negative impacts such as the noise and activity impact. They have agreed to only hold the

weddings in the barn, to shut the windows, limiting the guests to 100, sound monitoring and mitigation, providing valet parking to reduce traffic activity on the property, which reduces the need of the paving area and reducing the need for parking spaces due to being able to pack cars more tightly. They are addressing restroom concerns without the need for expansion to the septic system by bringing restrooms in and removed as needed as well as bringing in and removing dumpsters. Lastly having a closing time of 10pm which ensures noise levels end earlier in the night. There is also sound dampening in the barn closest to the DJ which reduces the sound which helps to address the biggest concern. The actions taken by the applicant to mitigate the sound reduces the negative impact to the point that there is no substantial detriment to the public good.

McKenzie also addressed whether there is any substantial detriment to the zone plan. McKenzie read a few key phrases regarding the applicants' AR District from section 115-10 of the Alexandria Township Land Use Code. It reads the AR district is intended to protect and preserve areas of important and or critical natural resources. Some of the critical natural resources are: agricultural soils, views and vistas which help define the rural/agricultural character of the town. It goes on to state the agricultural areas are intended to continue with agriculturally oriented uses intended to preserve the open agricultural character of these areas. It further states that land uses in the district are permitted both in use type and intensity which provide maximum opportunities to ensure the availability of prime agricultural soils. She believes this is relevant to what they are doing because she can see a few different ways in which they are promoting to provide special events, largely weddings, in order to help support the existing agricultural use of the property. The applicants have testified that the intended long-term use of this site is not to become a permanent event space but is really to maintain the farm as an agricultural use, equine farm that provides weddings to help supplement the farm income and to help support the use itself. In doing so, they are able to host these events on the property without disrupting the character of the site. McKenzie felt that from driving into the site herself that you wouldn't know events were held on the property unless you walk into the barn and it looks far nicer than a typical barn. She advised it feels like a working horse farm. They are able to maintain the rural agricultural character and able to continue the use on the property which is important in maintaining consistency with the entire purpose of the AR District and some of the main goals of the Master Plan.

McKenzie advised she would cite 4 goals and objectives from the Master Plan that are supported by their proposal. These are from the 1994, 2004, and 2011 Land Use Element and the 2011 Reexam. First is #2 which is to make certain that development which occurs in Alexandria Township takes place in areas which are appropriate for it considering environmental factors such as potential groundwater supply, septic suitability of soils, steep slopes, floodplains and prime agricultural soils as well as public safety roadway access and efficient provision of public services including recreational facilities. McKenzie testified that she believes they support this purpose because they are able to hold this space without any environmental impact by keeping the existing features. The applicant is not raising impervious coverage as well as not disrupting the existing agricultural operations. They are not removing pastures to convert into commercial or residential use. They also support goal and objective #3 which is to encourage residential development in certain areas of the Township leaving other areas free for agricultural and open space uses and in that manner, help serve the agricultural recreational and conservation needs within the region. They are seeking to maintain the existing agricultural use on the property so that the property can continue as a working farm in the future. Goal and objective #4, to recognize that landowners have the right to benefit from the development potential of their land while at the same time promoting the local, regional, statewide interests of retaining land for agricultural/open space use while preserving environmentally sensitive areas from development. She believes this use is spot on with this goal because the property is being used to support local businesses

while also still being able to maintain the property for agricultural use. Last is goal and objective #6, which is to establish the positive agricultural business climate in order to promote agricultural production in Alexandria Township. The proposed use is going to support the existing and future agricultural use of the property. While they are seeking a use, which is not strictly agriculture it is a use directly tied to the continuances of agricultural uses on this particular property. In addition to meeting the purpose of the zone and some of the goals and objectives of the land use element, some of the other permitted uses in the agricultural district are not too dissimilar. McKenzie referenced Planner Banisch's August 15, 2019 memo below:

1. *According to § 115-10.A.(1), "special events" such as those described by the applicant are not listed among the permitted uses in the AR Zoning District. The permitted use in the AR District that most closely resembles the applicant's proposed use is the D-4 Recreation Facility/Conference Center use, which, according to § 115-22.D.(4) is described, as follows:*

D-4 Recreational Facility/Conference Center. Such uses shall be designed to provide lodging, food service, recreation, entertainment, resource facilities, meeting rooms and/or program areas for temporary residents participating in conference, seminar, training, camp or retreat programs and are allowed, provided that acceptable wastewater management is achievable with an approved individual or community disposal system, designed in accordance with an approved wastewater management plan.

(a) A minimum site area of 60 acres is required.

(b) Maximum floor area ratio shall be limited to 5%; maximum lot coverage shall be limited to 10%.

(c) Parking: [1] [N]o less than one off-street parking space for each five persons of total design capacity of the facility.

McKenzie advised that what is being proposed is just one piece of what you might usually see in a conference center. They are not proposing or seeking to provide any business retreats this is only special events and no proposed lodging. This is a use that is permitted in the district under certain circumstances. It requires 60 acres over 30 acres however it speaks to the type of intensity that the governing body was comfortable with in this zone district providing certain conditions could be met. She advised that it important so as to understand that this is not a district that was only intended for farms and residential uses. Instead when the governing body crafted this zone, they opened it up to allow a few other uses which could have a greater impact on the community in terms of activity and the appearance and character of the area. Some other uses are corporate office, farmers market, solar facilities, and conference center all speak to the towns level of comfort for the intensity. After showing the positive and negative criteria, she feels the applicant has mitigated concerns and doesn't believe there is a substantial detriment. She feels that the applicant is in alliance with the master plan for the reasons cited and comparing it to some of the permitted uses in the AR district. She advised that her last point is the "Medici" meaning if it's such a good idea why is not included in the zone district. She reminded the Board that the use is really part time with 15 events per year. She advised there are some communities that are finding a way to support these types of agricultural assisting uses. McKenzie advised that since it is a part time use, it should be recognized by zoning ordinances.

McKenzie asked if the Board had any more questions. **Kaczynski** advised **Banisch's** memo dated August 15, 2019 to be recognized as PB-1. **Fritsche** asked if there were any plans to add air conditioning and better lighting to the barn. Nicole Milne advised no, the doors are wide open and the look of the barn

would change but there are fans and the lighting is sufficient. Milne would not want to have the events year round.

Questions from the Public

Papazian advised he will entertain questions from the public. Mary Howley, 7 Belmont Ct, she is 3.05 which is right behind the Milne's property. She asked how we make sure that there are only 15 events per year and how will that be enforced. Nicole Milne advised the events will be on the website for oversight. **Giannone** advised that it can be enforced indirectly from the Fire Marshall. That space can only be used 15 times or it kicks it into another realm of requirements. For each event, they have to have a fire permit for that particular event. If they were to try to circumvent the Fire Marshall, they would open themselves up to fire code violations. As a fire official he monitors that they can go up to 15 events. **Giannone** advised that they have been very compliant in the past. David Howley, 7 Belmont Ct, asked how we would know the occupancy level is 100 guests. **Giannone** advised his analysis is actually closer to 140 guests based on the square footage. Upstairs allow for 85 seats and downstairs offers another 45 seats. The uniform fire code allows for so many square feet for tables, chairs and dance space. Jennifer Geoffroy, 15 Belmont Ct, asked if the applicant has given further thought as to how she will manage drunk drivers. Milne advised that many of the wedding parties have shuttles back to the hotel. She advises the wedding party that the after party is back at the hotel. The valet guys will advise Milne if they do not feel comfortable with a driver. They have cards for cornerstone taxi available to the guests so that they can be picked up. Also, Milne's sister and husband monitor the drivers.

Comments from the Public

Papazian opened up to comments from the public. David Howley advised they have been friends since they moved in and one of his horses was there. He advised that the problem with the entire thing is that they had to live through their learning curve for 3 to 3/12 years. He asked if they should have gone to the LUB first. Not sure if the learning curve has been reached or there will be additional problems. He appreciated that Nicole Milne was up front regarding the problems and trying to mitigate the sound. He's concerned that the town doesn't have the ability to step up when there is a problem because they don't have their own police force or fire station. The issue is when the exception happens, like the issue with her sister's best friend's wedding, which was loud. He felt there was no one there in the town to handle it. **Papazian** advised that once the complaint was filed against the Milne's that the zoning officer issued a cease and desist. If there were another complaint it would be addressed. Howley felt the applicant should have come to the board first and now they are being rewarded. **Papazian** advised that a few years ago there was a question at the County Agricultural Development Board meeting as to what the agricultural district is allowed to do. It was the consensus of the CAD Board that until there were complaints, they would let farms have ancillary uses for an agricultural farm. **Papazian** advised that the people with farms try to maintain them by creating added income with niche things. Nancy Hudock, 654 County Route 513, has been neighbors with the Milne's and her property borders theirs for almost 40 years. They are wonderful people who do everything they can to get along with their neighbors and have come out to help the community through the years. She has heard the music and will sit outside and enjoy it. She also can hear the band from the High School but it doesn't bother her. She advised the letter put in her mailbox were fallacy's and wasn't fair. Michael Ragomo, 3 Belmont Court, is new to the neighborhood and has not met the Milne's formerly other than when the Milne's came to them explaining the outdoor events at their barn with outdoor music. His property borders the applicant's property on two sides and is closer to the barn than any of the other properties in question. His family is not disturbed by the music and he feels that this is a very classy use of the property. He encouraged the board to accept the Use Variance that the applicants are proposing. Glenn Geoffroy, 15 Belmont Court, wanted to address the voluntary abandonment clause, he advised that they trust and know the Milne's however what happens when they no longer own the property. He felt that if someone else were to

take it over it could lower the property values. They could make the events larger and it would be an issue even if they had to come back before the Board to do this. He was concerned about the voluntary abandonment versus a mandatory abandonment. **Banisch** advised that generally speaking when an approval is granted by a municipality it is the permanent and runs with the land. **Banisch** raised the issue due to the concerns regarding what this could be. He advised they can volunteer to do that as a condition of approval as part of their application. If that were the case once the applicant no longer owned the property it could go back to square one and the new owner would have to do the same thing all over again. Nancy Hudock, understands the previous concerns regarding property values, however the small venue will not lower values. Alexandria has had recent declines in property values which were not attributed to the applicant's events. Gretchen Savacool, 436 Mechlin Corner Road lives on a family farm of 100 acres. During the summer, all the neighbors in the neighborhood have parties that amount to more than 15 times per year. The neighbors have fireworks, parties, cars coming in and out and Oktoberfest celebrations. As a kid, she would go to Dr. Milne's farm for career day and feels that the family has done a lot for the community. She doesn't feel that having special events 15 times a year is not that big of a deal, and she hopes we approve the Use Variance for the applicant. Jennifer Geoffroy, felt this information was helpful, the noisy weddings aren't being done anymore. She supports the use as long as there are boundaries that are adhered to and likes the way the farm looks. Maryann Brereton, 29 Balmoral drive, one of the original owner of the Toll Brothers' development, walks through neighborhood and has occasionally observed the weddings. She found out due to the letter left in her mailbox. She is here in full support of the applicant. Before they originally purchased their lot, they were looking at the lots in the sanctuary but they were expensive due to the Milne's farm. They ended up purchasing the less expensive lots on the other side of the farm. She feels the farm is a gem and drives up the value of the properties. She is in full support of the farm and doesn't want another development to go instead of the farm. Also, feels that they should not give up the use variance and shouldn't be restricted just to the Milne family, the law states it runs with the land. Christina Kope, 89 Mt. Salem Road, has known the Milne's who are caring and considerate to the people in the community and she is in full support. She believes the Milne's will continue to respect the community. **Giannone** advised for the record to clear up a previous comment made that Alexandria is covered by five volunteer fire companies, Quakertown Pattenburg, Kingwood, Milford and Bloomsbury and there is a firehouse within a mile and a half of every border of Alexandria.

Kaczynski asked that in addition to the conditions that were placed in the Operations Statement that was provided as exhibit A-4, if there is any other voluntary offer the applicant would like the Board to consider in connection with your application. The applicant advised that there are no additional voluntary offers. **Kaczynski** recapped that what is before the Board is a request for a Use Variance. The Use Variance is for the conducting of events at the facility that was referenced subject to all of the conditions that were set forth in Exhibit A-4 in the statement of Operations. It's also for either a waiver of site plan approval or site plan approval. **Kaczynski** reminded the Board that there is nothing new being done to the site for this Use. **Banisch** said regarding the site plan, they technically do not meet the requirements in the Ordinance for a site plan waiver but they have submitted a Variance Plan and have showed the Board the distribution of the improvements that they are using on the site to conduct the activities. The Board could view that Variance Plan as a site plan and the board could grant waivers from the checklist requirements for Site Plan if it finds that it has sufficient information before it on the Variance Plan to make a decision relative to granting site plan approval. He felt the Board needs to understand that they have to apply for site plan approval but you have some flexibility as to how you address that. He doesn't think the Board has flexibility in granting a site plan waiver because they simply don't meet the conditions in the Ordinance to grant a site plan waiver. **Banisch** advised that what should be done is to grant site plan approval with waivers of all the other checklist information

that is not provided on the Variance Plan. **Decker** has no objection to the variance plan serving as a document that quantifies and sets the limits for what they are able to do based on the testimony given.

Papazian entertained a motion to either approve or deny the Use Variance. **Canavan** made a motion to approve the use variance with the conditions outlined seconded by **Pauch**. **Vote: Ayes: Papazian, Fritsche, Freedman, Canavan, Tucker, Giannone and Pauch. No Nays. Motion carried.** **Papazian** entertained a motion to approve the Variance Plan in lieu of the site plan and waive all the requirements on the site plan checklist. **Tucker** made the motion and it was seconded by **Fritsche**. **Vote: Ayes: Papazian, Fritsche, Freedman, Canavan, Tucker, Giannone and Pauch. No Nays. Motion carried.**

Chair Rochelle rejoined the Board at 9:23pm.

A motion to adjourn was made by **Tucker** and seconded by **Fritsche** at 9:24pm. **Vote: Ayes: All Ayes. No Nays. Motion Carried.**

Leigh Gronau, Board Secretary